IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9888 of 2005

Between:

1 Modepalli Katam Swamy S/o. Sree Rama Murthy
R/o. Molleru (V), Gangavaram (M), E.G. District.
2 Modepalli Annapurna, W/o. Burri Rambabu
R/o. Molleru (V), Gangavaram (M), E.G. District.

..... PETITIONERS

AND

1 The Addl. Agent to the Government,

E.G. District at Rampachodavaram.
2 The Special Deputy Collector (TW),

E.G. District at Rampachodavaram.
3 The Mandal Revenue Officer,

Gangavaram Mandal, E.G. District.
4 The Speical Deputy Tahsildar,

Tribal Welfare, Gangavaram Mandal,
East Godavary District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 6.45 cents and situated in Sy.No,.49/1 of Molleru Village, Gangavaram Mandal, E.G. District in pursuance of the order passed by the 2nd Respondent in L.T.R.P.No. 275/97 as illegal, arbitrary and unjust and consequently direct the respondents 2 & 3 not to evict the petitioner from the above land pending disposal of the appeal in C.M.A.No. 59/2005 preferred before the 1st respondent and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner :Mr.K.VENKATESH
Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following :

ORDER:

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Declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 6.45 cents and situated in Sy.No.49/1 of Molleru Village, Gangavaram Mandal, E.G. District in pursuance of the order passed by the 2nd Respondent in L.T.R.P.No. 275/97 as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is not permitted to prosecute two parallel proceedings in respect of the same dispute.

Therefore, the writ petition is disposed of directing the respondents to pass appropriate orders in the appeal in C.M.A.NO.59/2005, within a period of two months from the date of receipt of a copy of this order. No costs.

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K.C.BHANU, J.

Dated: 27..04..2005.

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Copies to:

1 The Addl. Agent to the Government,

E.G. District at Rampachodavaram.

2 The Special Deputy Collector (TW),

E.G. District at Rampachodavaram.

3 The Mandal Revenue officer,

Gangavaram Mandal, E.G. District.

4 The Special Deputy Tahsildar,

Tribal Welfare, Gangavaram Mandal,
East Godavary District.

5 Two CCs to G.P.for Social Welfare,

High Court of A.P., Hyderabad(OUT)

6 Two CD copies.